

1 District Judge Barbara J. Rothstein
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 TSIGAB A. GEBRAY, *et al.*,

No. 2:23-cv-870-BJR

10 Plaintiffs,

NOTICE OF WITHDRAWAL OF
MOTION TO DISMISS AND
STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND ORDER

11 v.

12 ALEJANDRO MAYORKAS, *et al.*,

13 Defendants.

14 Pursuant to Local Rule 7(l), Defendants provide notice that they withdraw their Motion to
15 Dismiss because this case will likely resolve without the need of further litigation. Dkt. No. 11.
16 Defendants' Motion to Dismiss is fully briefed and scheduled for oral argument. Dkt. Nos. 11-17.
17 Plaintiffs brought this case pursuant to the Administrative Procedure Act and Mandamus Act
18 seeking an order compelling the Government to complete processing of their Form 1-730s,
19 Refugee/Asylee Relative Petitions, and specifically the adjudication of their Form I-730s and the
20 scheduling of their consular interviews. As recently reported to the Court, Plaintiffs attended their
21 consular interviews for their travel eligibility determinations in December of 2023. Dkt. No. 18.
22 The parties believe that a stay of this litigation will allow these processes to complete.
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1 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706
 2 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to
 3 control the disposition of the causes on its docket with economy of time and effort for itself, for
 4 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
 5 P. 1.

6 The beneficiaries’ travel eligibility is currently undergoing security vetting. Once that has
 7 been completed, the Embassy will refer the beneficiaries to a physician with the United Nations’
 8 International Office of Migration (“IOM”) to conduct a medical exam. After the results are
 9 obtained and assuming none of the beneficiaries are subject to a medical ineligibility, then the
 10 consular officer will notify the Refugee Processing Center, which will find a resettlement agency
 11 to sponsor the beneficiaries. Lastly, and if the beneficiaries clear the prior steps, the Embassy will
 12 issue a boarding foil so that the beneficiaries can fly to the United States. IOM will make the
 13 necessary travel arrangements. Additional time is required to allow these processes to be
 14 completed. Therefore, the parties believe good cause exists to stay this proceeding for 60 days to
 15 save the parties and the Court from spending unnecessary time and judicial resources on this
 16 matter.

17 Accordingly, the parties jointly stipulate and request that the Court stay these proceedings
 18 for sixty days. The parties will submit a joint status report on or before March 29, 2024.

19 Dated: January 30, 2024

20 Respectfully submitted,

21 TESSA M. GORMAN
 22 United States Attorney

23 *s/Michelle R. Lambert*
 24 MICHELLE R. LAMBERT, NYS #4666657
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6 *I certify that this memorandum contains 375 words,*
7 *in compliance with the Local Civil Rules.*

8 *s/ Jane Marie O'Sullivan*
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16 Attorney for Plaintiff

ORDER

The parties having stipulated and agreed, it is hereby so ORDERED that Defendants' motion to dismiss is withdrawn, the case is held in abeyance for 60 days from today's date, and the parties shall file a joint status report on or before March 29, 2024.

DATED this 30th day of January 2024.

Barbara Jacobs Rothstein
Barbara Jacobs Rothstein
U.S. District Court Judge